

**ENTERED**

February 19, 2025

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

JOE ANTHONY	§	CIVIL ACTION No
ALANIZ,	§	4:22-cv-01991
Plaintiff,	§	
	§	
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
HARRIS COUNTY,	§	
TEXAS, <i>et al</i> ,	§	
Defendants.	§	

**ORDER**

Pending is a motion by Defendant Harris County, Texas, to deem the requests for admissions served upon Plaintiff Joe Anthony Alaniz to be admitted due to delay in response. Dkt 93.


Rather than timely responding within the thirty days afforded him by Rule 36 of the Federal Rules of Civil Procedure, Alaniz responded in ninety-five days. He then timely responded to the pending motion. Dkt 95 at 1, 4.

It is much preferred to resolve litigation upon the merits, rather than upon procedural default. Discretion thus abounds as to whether to permit the withdrawal of deemed admissions under Rule 36. *American Auto Association v AAA Legal Clinic of Jefferson Crooke, PC*, 930 F3d 1117 at 1119 (5th Cir 1991); *In re Carney*, 258 F3d 415, 419 (5th Cir 2001).

Alaniz plainly intends to participate vigorously in this action. And Defendants suggest no prejudice beyond the slight delay in receipt of response to the request for admissions. Resolving this matter on the merits is thus appropriate.

The motion to deem admissions is DENIED. Dkt 93.  
SO ORDERED.

Signed on February 19, 2025, at Houston, Texas.

  
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Hon. Charles Eskridge  
United States District Judge